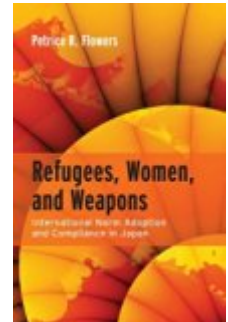


Petrice R. Flowers. *Refugees, Women, and Weapons: International Norm Adoption and Compliance in Japan.* Stanford: Stanford University Press, 2009. x + 196 pp. \$50.00, cloth, ISBN 978-0-8047-5973-1.



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This volume combines a strong theoretical basis on constructivist international relations theory and detailed fieldwork in Japan. The author, Petrice R. Flowers, chooses a country that has been considered a “hard case” in the studies of international norms to show that norms matter, even to an economic power with cultural traditions that sometimes conflict with Western values (p. 1). The main line of argument appears to consist of three steps. Firstly, in the three cases examined in the book, material benefits or costs played limited or partial roles in the decision to adopt the norms. Secondly, as a sign of the impact of international norms, the book looks at the process of domestic change from formal adoption of international treaties to a higher level of compliance with the norms embodied in the law. Drawing on the literature of compliance in international law, the author is able to undertake a nuanced analysis of domestic change, even where compliance is far from perfect. Thirdly, it is explained that identity-based pressures concerning the state’s legitimacy within the international community played an im-

portant role in moving Japan to adopt controversial treaties and comply with the norms to a greater or lesser extent.

In the three case studies, the author explores the tension between international norms (of human rights) and domestic norms (of traditional values) in public discourses observed in newspaper editorials and diet debates. It is proposed that international norms define “state identity” as a respectable member of international community, while domestic norms define “national identity” as a coherent nation with distinctive cultural traditions (p. 25). Furthermore, the author identifies three variables to explain variation in the level of compliance with international norms, namely, the state’s desire for legitimacy (the extent to which adoption of the norm is expected to contribute to the state’s legitimacy), the strength of domestic advocates, and the degree of conflict between international and domestic norms.

The case studies provide detailed illustration of the background and the main actors and de-

bates of each issue. The case of refugees is considered to be an example of high desire for legitimacy and low strength of domestic advocates. It is argued that material pressure played little role in Japan's adoption of the International Treaty Concerning the Status of Refugees and the Optional Protocol. The author points out that the identity conflict between being a developed state and being a racially homogenous nation was a prominent theme in the newspaper editorials and the debates in the diet. The book stresses that adoption of the treaty and protocol was not totally a token measure, as it required abolishing the rule that limited social insurance benefits to Japanese citizens. This involved significant social and political costs as it consequently extended social citizenship to Korean residents. At the same time, it is argued that a higher level of compliance depends on the work of domestic advocates and internalization of the norms. Recognition of refugee status remained remarkably low, with the approval of 376 out of 3,928 applications between 1982 and 2005. Also, refugee status did not guarantee residence permit and social benefits, while preferential treatment applied to Indochinese refugees under the special arrangements made prior to the adoption of the treaty and protocol.

In the case of women, domestic advocates played an essential role in building a domestic coalition and establishing ties with powerful actors in the government. In adopting the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), material pressure was limited, as the United States has not ratified it. Ratification of CEDAW required changing the nationality law to allow women to transmit citizenship to their children, revising the education laws that required home economics classes only for girls at a senior high school level, and adopting a law aimed at enhancing gender equality in employment opportunities. Equal Employment Opportunity Law (EEOL), while far from satisfactory for the proponents of gender equality, was passed in 1985, followed shortly by the ratifi-

cation of CEDAW. The author assesses compliance as medium, as the domestic advocates remained active, and constant improvements have been made through the judicial process and the revision of EEOL, although the percentage of women in managerial positions remained low, at 9.2 percent in 1998 (pp. 100-101), and many women still felt that they had to choose between pursuing a career and having a family.

The case of the Ottawa Convention on the Prohibition of Anti-Personnel Landmines is the only example of high compliance. Even as support for banning these mines was increasing, Japan had continued to side with the United States to oppose the ban. The research stresses the role of Keizo Obuchi, the foreign minister, in linking the issue with his interest in redefining Japan's security role in the post-Cold War era, by broadening the security concept to include human security. In this case, once the decision to sign and ratify the convention was made, there was little room for maneuver at the compliance stage. The stockpiled mines were destroyed ahead of the deadline.

The rich analysis in this volume will provide a good complement to the existing literature on norm diffusion. On the one hand, the argument stressing the importance of discursive construction of identity is persuasive. On the other hand, the causal link between international norms, identity pressure, and the process between adoption and compliance of the treaties is not sufficiently clear, which can be attributed to some conceptual problems.

First, international norms and international treaties seem to be used interchangeably. While international treaties can be seen as legal norms, distinguishing the underlying norms and the legal instruments that institutionalize them would be desirable for analytical purposes. For example, separating norms and laws better explains why states can adopt treaties without internalizing the norms. Also, norms can be internalized among some sections of the society before the treaties are

drafted, as was the case in the gender equality example. In those cases, the role of international norms may be not so much of teaching or mobilizing as of providing a reference point for the domestic advocates of the norms.

Secondly, there seems to be an assumption that actions triggered by material pressures are instrumental, while those based on “identity pressures” are not. This is not always the case in the constructivist literature. For example, in Jeffrey T. Checkel’s analysis, a state is acting instrumentally when it adopts international norms in reaction to social pressures.[1] If a state decides to adopt a treaty to enhance its international status without intending to progressively internalize the norm embodied in it, the act could be considered at least partly instrumental.

Thirdly, it is not convincing that “state identity” and “national identity” can be separated. The notion of shared values and traditions of the nation is necessarily constituted by the state’s interaction with other states. It appears that the debates between advocates and opponents of international norms concern different notions of Japan’s identity, with both internal and external aspects. For example, if we read the diet debates closely, it was the advocates of the international norms, in most cases from the opposition parties, who stressed that Japan should adhere to the international norms accepted by other developed states. For them, it was essential that Japan fully internalized international norms on refugees or gender equality, while preserving other traditions compatible with the norms. Yet opponents would argue that Japan did not have to behave like “immigrant countries,” such as the United States or “Western European” countries, to be considered a respectable developed state (pp. 51, 90). For the conservative Liberal Democratic Party-led government, adopting the treaties ratified by other developed states and taking a “gradualist” approach to their compliance may have been perfectly compatible.

If we take these points into consideration, it may become easier to understand variations in norm compliance without introducing an additional set of variables. While the focus on domestic actors is the strength of this volume, the impact of “identity pressures” can be limited even where the domestic advocates are active, as the example of gender equality shows. This limitation can be better explained by the ability of the opponents to construct an alternative identity that combines international legitimacy and preservation of domestic norms. Overall, while the theoretical analysis can be a little intricate, the principal argument on the importance of identity politics in diffusion of human rights norms is an important contribution to the literature. The case studies are comprehensive and well researched. This volume is recommended to everyone interested in international norms and human rights.

Note

[1]. Jeffrey T. Checkel, “International Norms and Domestic Politics: Bridging the Rationalist–Constructivist Divide,” *European Journal of International Relations* 3 (1997): 473–495.

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